

Section 239

Unlawful imprisonment

- (1) Whosoever imprisons a person or otherwise deprives him of his freedom shall be liable to imprisonment not exceeding five years or a fine.
- (2) The attempt shall be punishable.
- (3) The penalty shall be imprisonment from one to ten years if the offender
 1. deprives the victim of his freedom for more than a week; or
 2. by the offence or an act committed during the offence causes serious injury to the victim.
- (4) If by the offence or an act committed during the offence the offender causes the death of the victim the penalty shall be imprisonment of not less than three years.
- (5) In less serious cases under subsection (3) above the penalty shall be imprisonment from six months to five years, in less serious cases under subsection (4) above imprisonment from one to ten years.

Section 234a

Causing a danger of political persecution through use of force, threats or deception

- (1) Whosoever by deception, threat or force transports another into a territory outside the Federal Republic of Germany or causes him to go abroad, or prevents him from returning from abroad and thereby exposes him to the danger of being persecuted for political reasons and, in violation of the principles of the rule of law, of suffering harm to life and limb through violence or arbitrary measures, of being deprived of his freedom or of being seriously prejudiced in his professional or financial circumstances shall be liable to imprisonment of not less than one year.
- (2) In less serious cases the penalty shall be imprisonment from three months to five years.
- (3) Whosoever prepares the commission of such an offence shall be liable to imprisonment not exceeding five years or a fine.

Section 235

Abduction of minors from the care of their parents etc

- (1) Whosoever removes from the custody of one or both of his parents or his guardian or denies them access to
 1. a person under eighteen years of age by force, threat of serious harm or deception; or
 2. a child, without being a relative,shall be liable to imprisonment not exceeding five years or a fine.
- (2) Whosoever
 1. removes a child from the custody of one or both of his parents or his guardian in order to take him abroad; or
 2. denies access to him abroad after having removed him there or the child having gone there,shall incur the same penalty.
- (3) In cases under subsection (1) No 2 and subsection (2) No 1 above the attempt shall be punishable.
- (4) The penalty shall be imprisonment from one to ten years if the offender
 1. by the offence places the victim in danger of death or serious injury or of a substantial impairment of his physical or mental development; or
 2. commits the offence for material gain or with the intent of enriching himself or a third person.
- (5) If by the offence the offender causes the death of the victim the penalty shall be imprisonment of not less than three years.
- (6) In less serious cases under subsection (4) above the penalty shall be imprisonment from six months to five years, in less serious cases under subsection (5) above imprisonment from one to ten years.
- (7) The abduction may only be prosecuted upon request in cases under subsections (1) to (3) above unless the prosecuting authority considers proprio motu that prosecution is required because of special public interest.

Section 223

Causing bodily harm

- (1) Whosoever physically assaults or damages the health of another person, shall be liable to imprisonment not exceeding five years or a fine.
- (2) The attempt shall be punishable.

Section 224**Causing bodily harm by dangerous means**

- (1) Whosoever causes bodily harm
 1. by administering poison or other noxious substances;
 2. by using a weapon or other dangerous instrument;
 3. by acting by stealth;
 4. by acting jointly with another; or
 5. by methods that pose a danger to life,shall be liable to imprisonment from six months to ten years, in less serious cases to imprisonment from three months to five years.
- (2) The attempt shall be punishable.

Section 225**Abuse of position of trust**

- (1) Whosoever tortures or seriously abuses or by maliciously neglecting his duty of care for a person damages the health of a person under eighteen years of age or a person who is defenceless due to frailty or illness and who
 1. is in his care or custody;
 2. belongs to his household;
 3. has been placed under his control by the person obliged to provide care; or
 4. is subordinated to him within a relationship of employment,shall be liable to imprisonment from six months to ten years.
- (2) The attempt shall be punishable.
- (3) The penalty shall be imprisonment of not less than one year if the offender places the person in danger of
 1. death or serious injury; or
 2. a substantial impairment of his physical or mental development.
- (4) In less serious cases under subsection (1) above the penalty shall be imprisonment from three months to five years, in less serious cases under subsection (3) above imprisonment from six months to five years.

Section 226

Causing grievous bodily harm

- (1) If the injury results in the victim
 1. losing his sight in one eye or in both eyes, his hearing, his speech or his ability to procreate;
 2. losing or losing permanently the ability to use an important member;
 3. being permanently and seriously disfigured or contracting a lingering illness, becoming paralysed, mentally ill or disabled,the penalty shall be imprisonment from one to ten years.
- (2) If the offender intentionally or knowingly causes one of the results indicated in subsection (1) above the penalty shall be imprisonment of not less than three years.
- (3) In less serious cases under subsection (1) above the penalty shall be imprisonment from six months to five years, in less serious cases under subsection (2) above imprisonment from one to ten years.

Section 227

Infliction of bodily harm causing death

- (1) If the offender causes the death of the victim through the infliction of bodily harm (Sections 223 to 226) the penalty shall be imprisonment of not less than three years.
- (2) In less serious cases the penalty shall be imprisonment from one to ten years.

Section 212

Murder

- (1) Whosoever kills a person without being a murderer under section 211 shall be convicted of murder and be liable to imprisonment of not less than five years.
- (2) In especially serious cases the penalty shall be imprisonment for life.

Section 211

Murder under specific aggravating circumstances

- (1) Whosoever commits murder under the conditions of this provision shall be liable to imprisonment for life.
- (2) A murderer under this provision is any person who kills a person for pleasure, for sexual gratification, out of greed or otherwise base motives, by stealth or cruelly or by means that pose a danger to the public or in order to facilitate or to cover up another offence.

Section 221
Abandonment

- (1) Whosoever
1. places a person in a helpless situation; or
 2. abandons a person in a helpless situation although he gives him shelter or is otherwise obliged to care for him, and thereby exposes him to a danger of death or serious injury
- shall be liable to imprisonment from three months to five years.
- (2) The penalty shall be imprisonment from one to ten years if the offender
1. commits the offence against his own child or a person entrusted to him for education or care; or
 2. through the offence causes serious injury to the victim.
- (3) If the offender causes the death of the victim the penalty shall be imprisonment of not less than three years.
- (4) In less serious cases under subsection (2) above the penalty shall be imprisonment from six months to five years, in less serious cases under subsection (3) above imprisonment from one to ten years.

Section 257
Assistance after the fact

- (1) Whosoever renders assistance to another who has committed an unlawful act, with the intent of securing for him the benefits of that act, shall be liable to imprisonment not exceeding five years or a fine.
- (2) The penalty must not be more severe than that for the act.
- (3) Whosoever is liable as an accomplice to the act shall not be liable for assistance after the fact. This shall not apply to a person who abets another person who did not take part in the act to provide assistance after the fact.
- (4) An offence of assistance after the fact may only be prosecuted upon request, authorisation or a request by the foreign state if the offender could only be prosecuted upon request, authorisation or a request by the foreign state if he had been a principal or secondary participant to the act. Section 248 shall apply mutatis mutandis.

Section 258

Assistance in avoiding prosecution or punishment

- (1) Whosoever intentionally or knowingly obstructs in whole or in part the punishment of another in accordance with the criminal law because of an unlawful act or his being subjected to a measure (section 11(1) No 8) shall be liable to imprisonment not exceeding five years or a fine.
- (2) Whosoever intentionally or knowingly obstructs in whole or in part the enforcement of a sentence or measure imposed on another shall incur the same penalty.
- (3) The penalty must not be more severe than that for the act.
- (4) The attempt shall be punishable.
- (5) Whosoever by the offence simultaneously intends to avoid, in whole or in part, his own punishment or being subjected to a measure or that a sentence or measure imposed on him be enforced shall not be liable under this provision.
- (6) Whosoever commits the offence for the benefit of a relative shall be exempt from liability.

Section 323c

Omission to effect an easy rescue

Whosoever does not render assistance during accidents or a common danger or emergency although it is necessary and can be expected of him under the circumstances, particularly if it is possible without substantial danger to himself and without violation of other important duties shall be liable to imprisonment not exceeding one year or a fine.

Section 339

Perverting the course of justice

A judge, another public official or an arbitrator who in conducting or deciding a legal matter perverts the course of justice for the benefit or to the detriment of a party shall be liable to imprisonment from one to five years.

Section 345

Enforcing penal sanctions against innocent persons

- (1) Whosoever as a public official involved in the enforcement of a sentence of imprisonment, a custodial measure of rehabilitation and incapacitation or detention by a public authority enforces such a sentence, measure or detention although it may not by

law be enforced shall be liable to imprisonment from one to ten years, in less serious cases to imprisonment from three months to five years.

- (2) If the offender acts grossly negligently the penalty shall be imprisonment not exceeding one year or a fine.
- (3) Whosoever as a public official involved in the enforcement of a sentence or a measure (section 11(1) No 8) other than in cases under subsection (1) above enforces a sentence or measure although it may not by law be enforced shall be liable to imprisonment from three months to five years. Whosoever as a public official involved in the enforcement of
 1. juvenile detention;
 2. a summary fine or ancillary order under the law on summary offences;
 3. a fine or detention for disobedience of a judicial order; or
 4. a disciplinary proceeding, disciplinary court or professional disciplinary court proceeding,enforces such a sanction although it may not by law be enforced shall incur the same penalty. The attempt shall be punishable.

Section 357

Incitement of a subordinate to the commission of offences

- (1) A superior who incites or undertakes to incite a subordinate to commit an unlawful act in public office or allows such an unlawful act of his subordinate to occur shall incur the penalty provided for this unlawful act.
- (2) The same rule shall be applied to a public official to whom supervision or control over the official business of another public official has been transferred to the extent that the unlawful act committed by the supervised public official concerns the business subject to the supervision or control.